

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHELE CALLAGHAN,

Case No. 08-CV-3523

Plaintiffs,

-against-

**APPLICATION FOR
CERTIFICATE OF
DEFAULT**

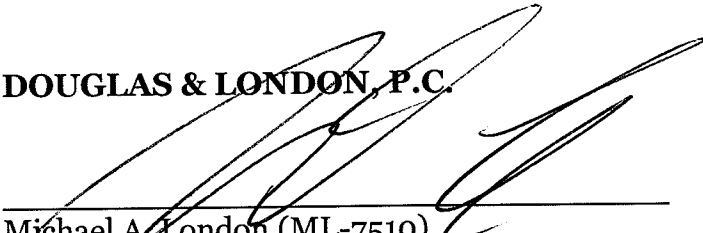
BRAD J. JACOBS, M.D.,

Defendant.
-----X

Upon reading and filing the annexed affidavit of **MICHAEL A. LONDON**, duly affirmed the 19th day of August, and upon the Summons and Complaint heretofore served herein, with proof of service thereof, Plaintiff hereby applies to the Clerk of Court of the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York for a Certificate of Default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Rule 55.1 of the Civil Rules for the Southern District of New York.

Dated: New York, New York
August 19, 2008

DOUGLAS & LONDON, P.C.



Michael A. London (ML-7510)
Attorneys for Plaintiff
111 John Street, Suite 1400
New York, New York 10038
(212) 566-7500

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHELE CALLAGHAN,

Case No. 08-CV-3523

Plaintiffs,

-against-

**AFFIDAVIT FOR
JUDGMENT BY DEFAULT**

BRAD J. JACOBS, M.D.,

Defendant.

-----X
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

MICHAEL A. LONDON, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and I am a member of the law firm of Douglas & London, P.C., attorneys for Plaintiff in the above-entitled action. As such I am fully familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Rule 55.1 of the Civil Rules for the Southern District of New York, in support of Plaintiff's application for a Certificate of Default against the Defendant by the Clerk.

3. This is a personal injury/medical malpractice action to recover damages arising out of the Defendant's negligent medical treatment and care of the Plaintiff.

4. The Defendant is not an infant or minor; the Defendant is not in the U.S. military; and the Defendant is not an incompetent person.

5. Jurisdiction of the subject matter of this action is based on diversity of citizenship jurisdiction.

6. This action was commenced on April 11, 2008 by the filing of the summons and complaint. A copy of the summons and complaint was served on the Defendant, Brad

J. Jacobs, M.D. on June 25, 2008 by personal delivery and proof of service by the Special Process Server was filed. The Defendant has neither answered the complaint nor otherwise defended the action and the time for the defendant to answer the complaint expired on July 15, 2008.

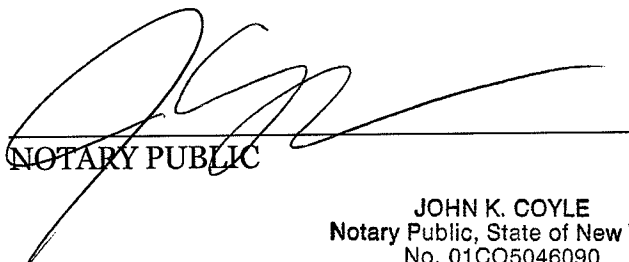
WHEREFORE, Plaintiff respectfully requests that the Clerk issue a Certificate of Default against the Defendant so that a default judgment may be entered by the Court at a later date.

Dated: New York, New York
August 19, 2008



MICHAEL A. LONDON

Sworn to before me this 19 day of August, 2008.



NOTARY PUBLIC

JOHN K. COYLE
Notary Public, State of New York
No. 01CO5046090
Qualified in Queens County
Commission Expires July 3, 2011